IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY & INTESTATE JURISDICTION

NOTICE OF MOTION NO.3 OF 2006

IN

PROBATE PETITION NO.887 OF 2005

1.Mrs.Meher Purshottam Amersey
and another. ...Petitioners.

Vs.

Bakhtawar Bezan Chenoy ...Caveator.

Mr.Jay Chinoy i/b. Zohair & Co. for Petitioners.

Mr.A.Y.Bookwala i/b. AZB & partners, for Respondent/ Defendant no.1-Caveator.

Mr.Sanjay Jain with Ms.Deepa Mani i/b. S.K.Srivastawa, for Defendant no.2.

CORAM: D.K.DESHMUKH,J.

DATED: 24th August, 2006.

P.C.:-

1. It is an admitted position between the parties that there is only one caveat filed in the probate petition no.887 of 2005 and that

Caveat has been filed by Bakhtawar Bezan Chenoy. The learned Counsel appearing for the said Caveator- Bakhtawar Chenoy states that without prejudice to his rights to take appropriate proceedings for removal of executors and also for recovery of any loss which according to him has been caused by the executors to the Estate of the deceased, the defendant does not press his caveat. The statement is accepted. In view of this statement no orders are necessary in this notice of motion.

2. As the only caveat received in the probate petition no.887/05 stands withdrawn as not pressed by the Caveator, the office is directed to process the petition no.887 of 2005 in accordance with law.

Notice of motion disposed of.